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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/548,317

09/07/2005

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125057

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25944 7590 02/06/2009  
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EXAMINER

PAYER, PAUL F

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

02/06/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/548,317	<b>Applicant(s)</b> KOIE ET AL.	
	<b>Examiner</b> PAUL F. PAYER	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/7/2005, 5/3/2006, 9/6/2007</u> .                            | 6) <input type="checkbox"/> Other: ____.                          |

### **DETAILED ACTION**

1. The preliminary amendment filed on 9/7/2005 has been entered.

#### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 27-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 27-32 are directed to a "computer program product". A computer program product, however, is not one of the statutory subject matters, which consist of process, machine, manufacture, or composition of matter.

#### ***Claim Rejections - 35 USC § 112 First Paragraph (New Matter)***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 27-32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed,

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had possession of the claimed invention. The newly added limitation "program product" of claim 27 has no support from the specification as originally filed.

It is suggested to amend the respective claims to use the phrase "a computer program stored on record medium" that has support in the specification at page 16, line 5.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 21, 24-26, 27, 30-32, 33 and 38-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Block (U.S. Patent Application Publication 2003/0143012).

With respect to claim 21, Block discloses a print control device employed for printing a character string including characters and/or symbols on a plurality of labels arranged on a long tape-like print medium along the length of the print medium (paragraph [0008]), comprising: a character string memory which stores a character string to be printed (Fig. 8/items T1 and T3, the label, which contains the string to be printed, is stored in the memory of the chip card); a separating point detecting unit that detects one or more separating points in the character string stored in the character string memory based on a separation condition as a particular character string

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arrangement condition (paragraph [0037], the separation condition disclosed is the end of the line); and a character string separating unit that lets character strings, obtained by separating the character string stored in the character string memory at the separating points detected by the separating point detecting unit (Fig. 5 and paragraph [0078]), be separately printed on different labels on the print medium (paragraph [0008]/lines 8-9).

Regarding claim 24, Block discloses the character string separating unit is capable of changing positions of the character strings, obtained by the separation at the separating points detected based on the separation condition, on the print medium (Fig. 8/item T3, the print style of the character strings can change, which in general leads to the position of character strings changing as well).

With regard to claim 25, Block discloses the separation condition in the character string indicates the separating points in the character string and a characters and/or symbol represented by the separation condition itself is printed on the labels (paragraph [0037], the newline character is the separator character and it is being printed on the label as no character is printed on the line following the position where the newline character was found).

Regarding claim 26, Block discloses the separation condition in the character string is used exclusively for indicating the separating points in the character string and no character or symbol represented by the separation condition itself is printed on the labels (paragraph [0067], the separator condition is a blank line; no extraneous blank lines are being printed on the labels).

Claims 27 and 30-32 have been rejected under U.S.C. 101, above, as being directed to non-statutory subject matter. For the purpose of examination, the phrase "computer readable media containing a computer program" has been substituted for the term "program" in this claims. Claims 27 and 30-32 are directed to computer readable media containing a computer program which controls the print control device of claims 21 and 24-26, respectively. Block discloses a computer readable media containing a computer program (Fig. 3/item 104) and claims 27 and 30-32 are rejected based on the same grounds as claims 21 and 24-26.

Claims 33 and 38-40 are directed to a method of controlling the print device of claims 21 and 24-26, respectively, and are rejected based on the same grounds as claims 21 and 24-26.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 22-23, 28-29 and 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Block (U.S. Patent Application Publication 2003/0143012) as applied to claims 21, 27 and 33 above, and further in view of Kitaori et al. (U. S. Patent No. 5,915,024).

With regard to claim 22, Block fails to teach a separation condition memory that stores a particular character string or a particular character string attribute as the separation condition; and an alteration unit which alters memory contents of the separation condition memory.

However, Kitaori et al. disclose a separation condition memory that stores a particular character string or a particular character string attribute as the separation condition (Fig. 1/item 14 and column 7/lines 40-43, one or more delimiter characters are stored in a delimiter character list); and an alteration unit which alters memory contents of the separation condition memory (while not explicitly disclosed, an alteration unit is inherent in Kitaori et al.'s system, as storing a separation condition in memory without the ability to modify it would render it useless).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Blocks' system and store a separation condition in memory as taught by Kitaori et al. so that Blocks' system might handle character strings -possibly provided by third parties- including symbols for a plurality of labels which use different separation conditions.

As to claim 23, Kitaori et al. disclose a separation condition memory that stores at least one selected from an editing code, a single character, a particular character string and a particular character string attribute as the separation condition (Fig. 1/item 14 and column 7/lines 29-39, a period is one of the separator characters recited); and an alteration unit which alters memory contents of the separation condition memory

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(while not explicitly disclosed, an alteration unit is inherent in Kitaori et al.'s system, as storing a separation condition in memory without the ability to modify it would render it useless).

Claims 28 and 29 have been rejected above under U.S.C. 101 as being directed to non-statutory subject matter. For the purpose of examination, the phrase "computer readable media containing a computer program" in these claims has been substituted for the term "program". Claims 28 and 29 are directed to computer readable media containing a computer program which controls the print control device of claims 22 and 23, respectively. Block discloses a computer readable media containing a computer program (Fig. 3/item 104) and claims 28 and 29 are rejected based on the same grounds as claims 22 and 23.

With respect to claim 34, Kitaori et al. disclose storing a particular character string or a particular character string attribute as the separation condition (Fig. 1/item 14 and column 7/lines 40-43, one or more delimiter characters are stored in a delimiter character list).

With respect to claim 35, Kitaori et al. disclose altering the stored separation condition (while not explicitly disclosed, altering the stored separation condition is inherent in Kitaori et al.'s system, as storing a separation condition in memory without the ability to modify it would render it useless).

Regarding claim 36, Kitaori et al. disclose storing at least one selected from an editing code, a single character, a particular character string and a particular character



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string attribute as the separation condition (Fig. 1/item 14 and column 7/lines 29-39, a period is one of the separator characters recited).

Regarding claim 37, Kitaori et al. disclose altering the stored separation condition (while not explicitly disclosed, altering the stored separation condition is inherent in Kitaori et al.'s system, as storing a separation condition in memory without the ability to modify it would render it useless).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL F. PAYER whose telephone number is 571-270-7302. The examiner can normally be reached on Mon-Thu 6:15am-3:45pm, 2nd Fri of biweek 6:15am-2:45pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zimmerman K. Mark can be reached on 571-272-7653. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PAUL F PAYER/  
Examiner, Art Unit 2625

/Mark K Zimmerman/  
Supervisory Patent Examiner, Art Unit 2625